

LANDSCAPE MAINTENANCE AGREEMENT

ARIZONA PROJECT M-951-6-503

SANTA FE (U.S. 66) FLAGSTAFF URBAN AREA  
(FLAGSTAFF LANDSCAPING)  
FLAGSTAFF, ARIZONA

THIS AGREEMENT, made this 1st day of July, 1988, pursuant to A.R.S. Sec. 11-951 through Sec. 11-954, by and between the Department of Transportation, Highways Division, an agency of the State of Arizona, thereunto duly authorized, hereinafter designated Department of Transportation and the City of Flagstaff, a municipal corporation, acting by and through its City Council, therunto duly authorized, hereinafter designated as City.

WITNESSETH:

WHEREAS, the City is empowered by A.R.S. Sec. 9-672B to enter into this agreement and acting by and through its City Council, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute same on behalf of the City; and

WHEREAS, it is to the mutual advantage of the Department of Transportation and the City to landscape certain areas within the right-of-way and a 30' Tree Easement on Business Route 40 (Santa Fe Ave) from centerline roadway station 2425+32.8, to centerline roadway station 2451+80.02, a net distance of approximately .5 miles.

NOW THEREFORE, it is hereby mutually agreed by and between the Department of Transportation and the City, pursuant to the authority contained in A.R.S. Sec. 28-108 as follows:

1. The Department of Transportation will prepare plans for the landscaping and irrigation project and submit them to the City for approval.

2. After City approval of the plans, the project will be constructed by the Department of Transportation, using State

funds. Upon completion of the work, the City shall reimburse the Department of Transportation 25% of the final construction costs.

3. The City shall furnish and install necessary water services from water mains to the designated locations within the right-of-way and a 30' Tree Easement on Business Route 40 (Santa Fe Ave) for the landscaping of the roadway from centerline roadway station 2425+32.8, to centerline roadway station 2451+80.02. Cost shall be a portion of the 25% matching funds and at standard water service rates, all at City expense.

4. The City shall furnish all water for landscape installation during the construction phase, and all water hereafter necessary to properly maintain the landscape within the right-of-way and a 30' Tree Easement on Business Route 40 (Santa Fe Ave) for the landscaping of the roadway, all as shown on the project plans from centerline roadway station 2425+32.8, to centerline roadway station 2451+80.02, all at City expense.

\* 5. After construction the City shall maintain the landscaping and irrigation system within the right-of-way and a 30' Tree Easement on Business Route 40 (Santa Fe Ave) from centerline roadway station 2425+32.8, to centerline roadway station 2451+80.02.

\* 6. The City shall furnish all electrical power necessary to maintain the landscaping within the right-of-way and a 30' Tree Easement on Business Route 40 ( Santa Fe Ave) from centerline roadway station 2425+32.8, to centerline roadway station 2451+80.02.

7. The City hereby agrees to maintain the landscaping and irrigation system, in an attractive manner, as it was designed and approved by the Department of Transportation, and the City will not make any changes, additions or deletions without written approval by the Department of Transportation, Roadside Development Services. All maintenance work shall be conducted in a manner to minimize traffic congestion and interference with through traffic and in conformance with the Arizona Traffic Control Manual.

8. The parties hereto further agree that to the extent permitted by law, the Department of Transportation and City agree to defend, indemnify, and hold harmless each other and their agents, officials, employees and subsidiaries, from and against any and all claims, actions, demands, liability,

damage, cost and expense of whatsoever character whether direct or indirect, or consequential, including loss or damage to property of either party hereto or of their persons and for the injury or death to any or all persons caused by or attributable to the negligence or fault of the Department of Transportation or the City, their employees or agents. As to any liability claims where the parties hereto may be jointly at fault, whether or not a named defendant to an action, the parties agree that they will share in any settlement or judgment on the amount that is proportionate to the degree of negligence or fault of the respective parties as agreed to between them or adjudicated by the courts. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in A.R.S. Sec. 12-1518 (B) and (C).

9. This agreement shall be filed with the Secretary of State and shall become effective on the date of such filing.

10. Attached hereto are resolutions of the Department of Transportation and the City authorizing both entities to enter into this agreement, and a written determination by the City Attorney of Flagstaff that this agreement is in proper form and within the powers and authority granted to the City under the laws of this State.


11. The effective date of this agreement shall be upon filing with the Secretary of State and shall remain in full force and effect for a period of five (5) years from the effective date unless terminated earlier by mutual consent of the parties hereto or unless this agreement violates any Arizona law, rule or regulation, either now enacted or which may be enacted in the future. This agreement will be automatically renewed for successive periods of five (5) years unless the parties hereto mutually agree by formal amendment reflected herein to this agreement not less than one (1) month prior to the initial or renewed expiration date.


12. All parties are hereby put on notice that this Contract (Agreement) is subject to cancellation by the Governor, pursuant to A.R.S. Sec. 38-511.

IN WITNESS WHEREOF the parties have executed two copies of this agreement on the day and year herein written.

ARIZONA DEPARTMENT OF TRANSPORTATION

CITY OF FLAGSTAFF, a  
municipal corporation

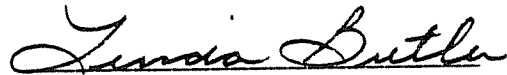
By   
CHIEF DEPUTY STATE ENGINEER

By 

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of an extract from the Minutes of the Flagstaff City Council Meeting held April 19, 1988.

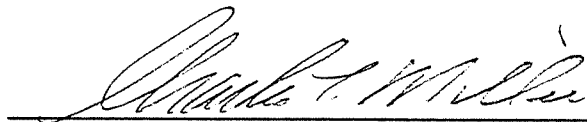
IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 10th day of May, 1988.

  
CITY CLERK

(SEAL)

RESOLUTION

Be it resolved on this date, July 1, 1988, I, CHARLES L. MILLER, the below undersigned Director, Department of Transportation, have determined that it is to be to the advantage of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, and the CITY OF FLAGSTAFF, acting by and through its CITY COUNCIL enter into the intergovernmental agency agreement for the purpose of entering in a landscape maintenance agreement for certain projects which have been selected by the State and subject to the approval of the City of Flagstaff as by law required; and request the City to perform certain work and supply necessary materials required to maintain the specified areas in the manner specified in the attached agreement.

  
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CHARLES L. MILLER, Director  
Department of Transportation

RESOLUTION NO. 1543

A RESOLUTION APPROVING AN INTERGOVERNMENTAL  
AGREEMENT FOR LANDSCAPING OF EAST SANTA FE AVENUE.

WHEREAS, the City of Flagstaff recognizes the importance of maintaining, preserving, and enhancing the natural environment; and

WHEREAS, the citizens of the City of Flagstaff through the "Citizens for a Beautiful Flagstaff" recognize the many benefits of landscaping, and are participating in the cost of landscaping;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:


SECTION 1: The Council of the City of Flagstaff, pursuant to Article 1, Section 3, of the Flagstaff City Charter, does hereby approve the Intergovernmental Agreement with the Arizona Department of Transportation regarding the landscaping, and maintenance of such landscaping, on a portion of Santa Fe Avenue (Business Route 40) a net distance of approximately 0.5 miles.

SECTION 2: Mayor Christopher J. Bavasi is authorized to execute this agreement on behalf of the City of Flagstaff.


PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 19th day of April, 1988.

  
MAYOR

ATTEST:

  
CITY CLERK

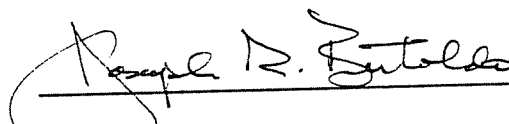
APPROVED AS TO FORM:

  
CITY ATTORNEY

APPROVAL OF THE CITY ATTORNEY

I hereby state that I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE ENGINEER and the CITY OF FLAGSTAFF and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 12th day of May, 1988.


  
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Joseph Bertoldo  
City Attorney

APPROVAL OF THE ATTORNEY GENERAL

I HEREBY STATE THAT I have reviewed the proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, STATE ENGINEER AND THE CITY OF FLAGSTAFF and declare this agreement to be in proper form and within the powers and authority granted under the laws of the State of Arizona.

DATED this 20<sup>th</sup> day of June, 1988.

ROBERT K. CORBIN  
The Attorney General

  
ALBERT MORGAN  
Assistant Attorney General



Councilmember Muns said he had come to the conclusion that the ad hoc Committee was correct in the corridor they are asking for. This is the best location of the road for Flagstaff. It is not the best location for the road for the people of the Mt. Elden Subdivision. They are being asked to do all the compromising. Flagstaff needs this road and is going to have to get started on it. Every time an attempt is made to locate the road somebody will complain about it. Nobody wants this road in their neighborhood. There have been a lot of excellent comments on the landscaping, the impact, the sound. These things have been brought to the Council's attention, but the best thing the Council can do for Flagstaff is to get this north-south road. "For that reason I will be voting for this issue."

The motion carried with Councilmember Quayle opposed.

### **BIDS:**

#### **Consideration of Bids: Purchase of Disk Drive:**

Recommended Action: Accept the low responsive bid of IBM Corporation for a total bid price of \$17,151.30.

A motion was made by Councilmember Loven and seconded by Councilmember Pickard to accept the recommended action. The motion unanimously carried.

#### **Consideration of Bids: Proposals - Computer Mapping of the City of Flagstaff:**

Recommended Action: Accept the proposal from Mapping Automation, Inc., in the amount of \$104,485.00.

It was moved by Councilmember Loven and seconded by Councilmember Muns to accept the recommended action.

Councilmember Pickard thought this is one of the finest resources that the City could have.

The motion unanimously carried.

### **CONTRACTS, LEASES AND AGREEMENTS:**

#### **Consideration of Agreement - Between the City of Flagstaff and the Arizona Department of Transportation for Landscaping of East Santa Fe Avenue West of Fanning Drive:**

Recommended Action: Read Resolution No. 1543 by title only. Adopt Resolution No. 1543.

Proposed Resolution No. 1543, approving an Intergovernmental Agreement for Landscaping of East Santa Fe Avenue, was presented. The proposed Resolution had been properly posted.

Councilmember Simpson said a lot of people in Flagstaff have had their eye on Santa Fe for a long time, realizing the need to try and improve the visual quality of the City. A couple of years ago Citizens for a Beautiful Flagstaff took the initiative to raise money with the idea of buying trees that would be used to screen the south side of Santa Fe. The members even went as far as preparing landscape plans. The general public should know how much CBF really was involved in this. Through various processes the efforts and the money of this group were incorporated into the proposal to the Department of Transportation. That resulted in an

additional \$30,000 of money to be used for landscaping. In order to obtain those funds, one of the critical ideas involved was trees that really looked like trees could not be included in this landscaping because that is not the way ADOT does these kinds of things. CBF was very much involved in this and will continue to be. There is going to be some very pretty landscaping along there, but there won't be any screening right now. Hopefully other resources can be found in the City to continue the idea they originally had of beautifying that part of Santa Fe and helping to screen out some of the unsightliness on the other side.

A motion was made by Councilmember Loven and seconded by Councilmember Pickard to read Resolution No. 1543 by title only. The motion unanimously carried. The City Clerk read Resolution No. 1543 by title only as follows:

RESOLUTION NO. 1543

A RESOLUTION APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR LANDSCAPING OF EAST SANTA FE AVENUE.

It was then moved by Councilmember Loven and seconded by Mayor Bavasi for the adoption of Resolution No. 1543. The motion unanimously carried.

**BOARDS AND COMMISSIONS:**

Consideration of Approval of Phase I Dedication of City Property/Flagstaff Urban Trails System:

Recommended Action: Approve the dedication of City parkland and Urban Trails, of City parcels as identified on Exhibits "A", "B", "C" and summarized in Exhibit "D". Authorize Staff to prepare the necessary ordinances and legal descriptions for Council adoption pursuant to parkland dedication, subject to the conditions listed on attached Exhibit "E". Authorize Staff to begin coordination of volunteer clean-up and minor improvement efforts to the system.

Councilmember Loven moved to accept the recommended action. The motion was seconded by Councilmember Simpson, which unanimously carried.

Consideration of Vacancy on the Municipal Facilities Corporation:

Recommended Action: Discuss in Executive Session and make the appointments at the Council Meeting.

A motion was made by Councilmember Loven and seconded by Councilmember Pickard to table this item. The motion unanimously carried.

Consideration of Vacancies on Industrial Development Authority:

Recommended Action: Discuss in Executive Session and make the appointments at the Council Meeting.

It was moved by Mayor Bavasi and seconded by Councilmember Loven to appoint Ray Lopp, Bud Anderson and Jacquita Bailey to the Industrial Development Authority. The motion unanimously carried.

CERTIFICATION

I, LINDA BUTLER, City Clerk of the City of Flagstaff, Arizona, do hereby certify that the attached is a full, true, and correct copy of Resolution No. 1543, adopted by the Flagstaff City Council at their Meeting held April 19, 1988.

IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official Seal of the City of Flagstaff, this 10th day of May, 1988.

  
CITY CLERK

(SEAL)

CERTIFICATION  
Dsk#1